

Reply to comments of Wilco Electronic Systems, Inc:

In their comments, in several posts on 07-51, Wilco asks the Commission to exempt the PCO industry from the Exclusivity Ban. In several statements, though, Wilco presents a strong argument for just such inclusion in the ban on exclusive contracts for all MVPDs.

As stated many times before, I am a resident of Live Oak Preserve (LOP) in Tampa, Florida. The residents of LOP suffer from a classic Exclusive Agreement (EA) best stated by Wilco -- "the effective collusion, between the developer and Century Communications, presents a situation where the residents of the MDUs, from which the comments are originating, are being charged for sub-par services through the payment of the HOA fees." Further "Sub-par service is not a general practice of the PCO marketplace, but rather, the result of the nepotistic relationship between Century Communications and TransEastern Properties and something that we deplore." Bravo Wilco no one could have said it better.

However, Wilco turns around 180 degrees and states "There are several instances of PCOs who service residents of MDUs, of which there is shared ownership between the PCO and the MDU community, where the service is equal to or greater than any company in the marketplace." There have been many MDUs, and even entire cities, that have reported basically the same developer-provider relationship as the TransEastern-Century partnership and also are under the same sub-par service experience as LOP.

I would like to correct Wilco, in my opinion, in their classification of Century Communications as "not a traditional PCO". I read the definition of a PCO on Page 2 of your Feb 6, 2008 letter and I would say Century fits the criteria of the definition perfectly.

In other comments Wilco states "It is, however, the responsibility of the HOA or tenant board to enforce the quality of service which they receive and to seek restitution for any material breach of the contract." Unfortunately, what are residents to do when the HOA is still controlled by the developer who also owns the provider? The only thing we, as residents, could do is to seek restitution from

the court system.

Wilco continues to flip-flop by remarking "We believe that their comments, filed under this Report and Order, are unfairly biased due to their pending legislation but do support their right to demand quality service from their current provider." Yes, maybe I am biased in my comments. What I have tried to do is compare what companies such as yours describe as THEIR methods of operation and compare those methods to the realities of the Century services being provided. You, Wilco, may believe you are providing excellent service and value to the Philadelphia Housing Authority and I will take you at your word. But when I describe what is the situation here in LOP, I believe I am stating facts not a biased personal viewpoint.

I also take exception to the remark "for them to state they have been affected unfairly by the PCO market is simply untrue due to the fact that they are basing their observations on a single non-traditional PCO, with whom they are involved in litigation." Well previously you said you deplore the collusive, nepotistic situation forced upon LOP residents by a PCO but now you say it does not affect us unfairly? We are only dealing with one PCO ( thank heaven ) so our views can only be about THAT PCO. But I believe we have the right to compare what we are experiencing to what other PCOs say we SHOULD be experiencing.

In other comments Wilco expresses its operational beliefs: "unlike the general MVPD marketplace, PCOs, due to their size, regulatory status and ability to be creative in their service offerings, is the kind of provider that is a perfect fit for MDU communities in particularly minority residents." Also "the MDU resident additionally benefits from a PCOs' ability to provide customized and community focused programming that caters to MDU communities" and "PCOs can offer MDU residents and real estate owners customized video programming options that appeal to the target audiences of those communities." At the risk of being biased, Century, to my knowledge, has made no attempt to survey the LOP population and its needs and desires. If it had done so, it would have found LOP to be a very diverse population with many nationalities, many ethnicities, many religions, etc. Century has made no effort to address these many

differences through a varied channel lineup. Meanwhile, Wilco contends "because of their size, PCOs are able to hear what residents of MDUs want and offer programming and packages that reflect the ethnicities, ages and needs of consumers who reside in MDU communities." In my opinion, Century missed the PCO meetings when these ideas of how to operate were discussed.

Once again Wilco is slightly ambivalent on exclusive agreements by stating "One of the fundamental arguments against exclusive agreements revolves around the ability for a consumer to choose and obtain services which best fits their needs. We are not arguing against this sentiment, however, we are urging that the Commission consider that exclusive agreements, as it pertains to PCOs, do allow for consumer choice and do provide services that are specific to residents who live in MDUs." Also "while Wilco agrees that exclusive agreements can limit choices to consumers whose providers only offer 'one size fits all' programming tiers, Wilco contends that PCOs offer programming specifically geared to provide benefits for residents of MDUs based off of the choices of the residents for programming and the demographic that resides in those communities." So does Wilco believe exclusive agreements limit choices or not? I do know that the exclusive agreement between LOP and Century limits my choices since I can not afford to pay for duplicate services to get what I really want. Of course Century does not know what I want or really care about my desires and needs.

Finally, in a very biased way, I propose the following situation to Wilco. Suppose one company has been given the broadcast rights to all of the non-football sports in Pa. That company broadcasts on two REGULAR channels on DirectTV and you subscribe to those two channels. These REGULAR channels originate out of Pittsburgh. When there are any scheduling conflicts, say the Pens, Sixers and Flyers all have games at the same time, there are ALTERNATE channels used by DirectTV. Wilco, though, to save money, chooses not to use the ALTERNATE channels because it requires either switching devices or people to throw the switch. So, instead of advertised broadcasts of Sixers or Flyers, your PHA customers are constantly receiving black out screens because of blackouts for Pittsburgh audiences. How many complaints to the FCC do you think will be coming from YOUR PHA

customers? That is why you have seen so many of my reply to comments on this site. BIASED? NO! I'm MAD at seeing endless incorrect blackouts by Century Communications. There's nothing for me to watch so I spend my time trying to present our viewpoints which disagree sharply with your views of PCOs and Exclusive Bulk-billing agreements.